

1:CV01-0755

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et

UNITED STATES DISTRICT COURT

FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DOCKET NO. _____ FILED
SCRANTON

APR 30 2001

SYDNEY BRADSHAW

V

PER km
DEPUTY CLERK

JURY TRIAL DEMANDED

DOCTOR PATRICIA L. SAUERS et.al;

PRELIMINARY STATEMENT

THIS IS A CIVIL RIGHT ACTION FILED BY SYDNEY BRADSHAW, A FEDERAL PRISONER, FOR DAMAGES AND INJUNCTIVE RELIEF UNDR 42. U.S.C. 1983, ALLEGING DENIAL OF PROPER MEDICAL CARE IN VIOLATION OF PLAINTIFF'S EIGHT AMENDMENT RIGHT. THE PLAINTIFF ALLEGES IN THIS TORT THAT THE DEFEDANTS EIGHT AMENDMENT RIGHT WAS CALLOUSLY AND DELIBERATELY ABSHED WITH GROSS INDIFFERENCES TOWARDS THE PLAINTIFF'S PAIN AND SUFFERING AND FAILED TO ADMINISTER MEDICATION THAT WAS PREVIOUSLY PRESCRIBED TO PLAINTIFF FOR A PREVIOUSLY DIAGONSED BACK AILMENT, WHILE AT THE SAME TIME GAVE SAID MEDICATION TO OTHER INMATES WHOM WERE U.S. CITIZENS WHO WERE ALSO INMATES AT Y.C.P. PLAINTIFF WAS TOLD THAT SUCH MEDICATIONS WERE NOT ALLOWED AT YORK COUNTY PRISION AND I WOULD JUST HAVE TO GRIN AND BARE WITH MY PAIN AND SUFFERING AND THE MEDICATION THAT SHE GAVE ME (NAPYSON) A HIGH FORM OF ASPRIN.

JURISDICTION

1. THE COURT HAS JURISDICTION OVER PLAINTIFF'S CLAIMS OF VIOLATIONS OF FEDERAL LAWS & CONSTITUTIONAL RIGHTS UNDER 42. U.S.C. 1331 (A) & 1343.

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2. THE COURT HAS SUPPLEMENTAL JURISDICTION OVER PLAINTIFF'S STATE LAW TORT CLAIMS AND 28. U.S.C. 1367 & 1350

PARTIES

THE PLAINTIFF'S (SYDNEY BRADSHAW) INCARCERATED AT YORK COUNTY PRISON FROM AUGUST 28, 2000 TO _____. IN YORK PA.

3. THE DEFENDANTS, DOCTOR PATRICIA L. SAUERS. ET. AL; EMSA CORRECTIONAL CARE, Y.C.P. ADMINISTRATION.

FACTS

ON AUGUST 24, 2000 PLAINTIFF WAS TRANSFERRED FROM MAINE C.C.J. TO Y.C. AT WHICH TIME PLAINTIFF'S MEDICAL HISTORY AND CARE WAS ALSO TURNED OVER TO THE MEDICAL DEPARTMENT AT YORK COUNTY PRISON.

5. PLAINTIFF WAS PRESCRIBED DARVOCET AND SOMA TO EASE PLAINTIFF'S BACK PAINS.

6. PLAINTIFF WAS TOLD THAT HE COULD NOT GET HIS PREVIOUSLY PRESCRIBE DARVOCET FOR IT WAS NOT AVAILABLE AT THE JAIL (SOMA ALSO NOT GIVEN AT THE PRISON) (LIES)!!! NEITHER WAS VICODIN WHICH PLAINTIFF WAS ALSO TREATED WITH AT CUMBERLAND COUNTY JAIL IN PORTLAND MAINE, WAS ALSO NOT PRESCRIBED AT Y.C.P. (ANOTHER LIE!!!)

7. PLAINTIFF WAS SEEN BY A MALE DOCTOR ONCE AT THE PRISON AND WAS GIVEN SOMA FOR A SHORT TIME TO RELIEVE HIS BACK ACHE & PAIN.

8. PLAINTIFF AT SOME POINT BEGAN TO SEE DR. SAUER WHO STATED THAT HE WILL NO LONGER BE GIVEN SOMA OR ANY OF THE OTHER TWO FOREMENTIONED PAIN KILLER WHILE AT Y.C.P. FOR THEY WERE NOT AVAILABLE TO PLAINTIFF AT Y.C.P.

9. PLAINTIFF LATER MET MR. JASON MALLOW (R.R.BOX 2139 BRODCOKS PA. 17329 & MR HENRY PADGETT S.C.I. EA -7913 - BOTH GENTLEMEN WERE U.S.

CITIZENS AND BOTH RECEIVED THEIR DAILY DOSAGE OF DARVOCET.

I THEREFORE CONCLUDED THAT BECAUSE I WAS AN ALIEN INMATE I MUST THEREFORE GET SUBSTANDARD MEDICAL CARE.

10. DESPITE MY FILING NUMEROUS SICK CALL SLIPS , COMPLAINING ABOUT THE SEVERITY OF MY PAIN - MY PLEAS FELL ON DEAF EARS IN THE MEDICAL DEPARTMENT AT Y.C.P. (I DID GO TO HAVE AN X-RAY BUT NOTHING CHANGED AS FAR AS MY MEDICATIONS) I STILL ONLY RECEIVED NALYSON TWICE A DAY.

RELIEF REQUESTED:

WHEREFORE, PLAINTIFF REQUEST THIS MOST HONORABLE COURT GRANT THE FOLLOWING RELIEF:

A. ISSUE A DECLATORY JUDGEMENT STATING THAT:

1. THE PHYSICAL AND MENTAL ABUSE (NOT ADMINISTERING PROPER MEDICAL CARE DENYING PLAINTIFF HIS DARVOCET PAIN MEDICATION TO RELIEVE HIS NEEDLESS AND UNECESSARY SUFFERING). CONSTITUTES A VIOLATION OF PLAINTIFF'S RIGHTS UNDER THE EIGHT AMENDMENT AND FOURTEENTH AMENDMENTS FURTHER CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT.

2. TO IMMEDIATELY ADMINISTER THE PREVIOUSLY PRESCRIBED MEDICATIONS TO RELIEVE PLAINTIFF'S PAIN AND SUFFERING FORTHWITH!!!!!!!!!!!!

B. AWARD COMPENSATORY DAMAGES IN THE FOLLOWING AMOUNTS:

1. \$400,000.00 SEVERALLY AND SEPARATELY AGAINST EACH DEFENDANT - FOR THE NEEDLESS PHYSICAL AND MENTAL PAIN SUFFERING BROUGHT TO BEAR UPON THE PLAINTIFF WHILE A FEDERAL PRISONER AT Y.C.P. BY NOT GIVING THE PLAINTIFF HIS PRE-PRESCRIBED PAIN MEDICATION FOR HIS MALADY (BACK PAIN)

C. AWARD PUNITIVE DAMAGES IN THE FOLLOWING AMOUNT:

1. ONE ONE MILLION DOLLARS AGAINST EACH DEFENDANT AS PUNISHMENT FOR THEIR CALLOUS INDIFFERENCE FOR PLAINTIFF'S PHYSICAL AND MENTAL PAIN & SUFFERING AND TO CURB AND DETER SUCH BEHAVIOR BY THE DEFENDANTS IN THE

JCR No. 05509

CT- No. EA-7913

AFFIDAVIT

I, Mr Henry Padgett, under oath state the following:

1. While I was housed at York County Prison on Nov 2000 to 2001. I received Darvocet (Pain medication). I further state that I'll testify to the latter statement in open court, if I am called on (subpoena or otherwise)

2. My mailing address is:

Commonwealth of Pennsylvania

Dept. of Corrections

State Correctional Institution

at Albion, Albion, Penna

3. I also state that the foregoing is made of my own free will.

Pursuant to 28. U.S.C. § 1746; I

declare under penalty of perjury that the foregoing is true and correct. X Henry Padgett

by Coglier

PAGE 1

CITATIONS IN SUPPORT OF PLAINTIFF'S
COMPLAINT AGAINST THE DEFENDANTS.

Now Comes Sydney Bradshaw, Pro-Se; and hereby cites the following in support of his complaint.

Toussaint v Rushen, 553 F Supp 1365 (ND cal 1983), in part, 722 F2d 1490 (9th Cir 1984) that medical assistants can access to doctor is part of violation); Fambro v Fulton county, 713, F Supp 1462, 1429 (ND GA 1989) delays-up to 20 days for examination is part of viololation); U.S. Department of Fed Standards for prison and jails § 545 (1980); ABA, Standard for criminal justice § 23.5-3 (1986) standard 3 - 4348 (1990); National common correctional Health care, Standard for health services in jail J-33 (1987) Tillery v Owens, 719 F Supp 1256, 1306-07 (WDPa 189). ESTELLE v GAMBLE, 429 U.S. 97, 104 (1976); Hoptowit v Ray, 682 F2d 1237, 1252 (9thCir 1982) Feliciano v Barcelo, 497 F Supp. 14 38 DPr 1979 (must receive "medications prescriptions and diets as they have been perscribed). White v Napoleon, 897 F2d 103, 111 (3d Cir 1990). Prison doctors disregard orders from outside doctors without explanatopm), Feliciano v Barce;p 497 F Supp 14, 32 (DPr1979) must receove "medication prescriptions and diets, as they have been prescribed medication "For the purpose of causing him unnecessary pain" State cause of Action) See also U.S Dept of justice, federal standards for prisons and jails §§ 5.34, 5.46 (1980) ESELLE vGAMBLE, 429 U.S. 97, 104 - 05 (1976). Waldrop v Evans, 681 F Supp 840 854 (MD Ga 1988) doctor); Pace v Solem, 858 F2d 385, 388 (8th Cir 1988. Mental health Ramos v Lamm, 699 F2d 559, 574 (10thCir 1980); Hoptowit v Ray, 682, F2d 1237 1253 (9th Cir 1982);

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APR 09 2001

C E R T I F I C A T E O F S E R V I C E

PER

Rmt
DEPUTY CLERK

I HEREBY CERTIFY THAT ON 04/01/01, I (SB), CAUSED SERVICE TO
TAKE - PLACE UPON THE DEFENDANT(S) BY PLACING A TRUE COPY OF THE
ENCLOSED MOTION, IN THE MAILING METHOD USED AT Y.C.P. FOR IN MATES
OUTGOING MAIL TO THE DEFEDANTS ATTORNEY PLACE OF BUSINESS AT the count
commissioners of York County one west market street 4th fl
YORK PA. 17401

DATED: 04/01/01

RESPECTFULLY

Sydney Bradshaw

SYDNEY BRADSHAW
YORK COUNTY PRISON
3400 CONCORD ROAD
YORK, PA. 17404

RECEIVED
SCRANTON

APR 30 2001

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MARY E. DANDREA, CLERK
DEPUTY CLERK

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FUTURE AGAINST I.N.S. DETAINEES.

D. GRANT SUCH OTHER RELIEF AS IT MAY APPEAR THAT PLAINTIFF IS ENTITLED TO.

DATE: _____.

RESPECTFULLY SUBMITTED

SYDNEY BRADSHAW
YORK COUNTY PRISON
3400 CONCORD ROAD
YORK PA. 17402

CC; THE COUNTY COMMISSIONERS OF YORK COUNTY
ONE WEST MARKETWAY, 4TH FLOOR
YORK, PA. 17401

STATE BOARD OF OSTEOPATHIC MEDICINE
P.O. BOX 2649, HARRISBURG, PA. 17105-2649
(717) 783-4858